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| <p>London Borough of Hammersmith & Fulham</p> <p>ANNUAL MEETING OF THE LICENSING COMMITTEE</p> <p>29 JUNE 2017</p> |  |
| <p>ANNUAL LICENSING TEAM UPDATE</p> | |
| <p>Report of the Divisional Director, Nicholas Austin, Director for Environmental Health</p> | |
| <p>Open Report</p> | |
| <p>Classification – For Information</p> | |
| <p>Key Decision: NO</p> | |
| <p>Wards Affected: None</p> | |
| <p>Accountable Director: Nicholas Austin - Director for Environmental Health</p> | |
| <p>Report Author: Patrick Crowley - Bi-borough Licensing Team Manager</p> | <p>Contact Details: Tel: 020 7341 5601 patrick.crowley@rbkc.gov.uk</p> |

1. EXECUTIVE SUMMARY

- 1.1 This report provides a summary update of the work and performance of the Licensing Team for the period between 01 April 2016 and 31 March 2017.
- 1.2 Details have been included about the service improvement work undertaken in relation to the licence information displayed on the public register and the facility to make online applications.
- 1.3 An update on the Bi-Borough Service Review for the Licensing Teams in the London Borough of Hammersmith and Fulham (LBHF) and the Royal Borough of Kensington and Chelsea (RBKC).
- 1.4 Additional information has also been included on recent legislative changes.

2. RECOMMENDATIONS

- 2.1 That members of the Licensing Committee note the contents of this report and provide any comments.

3. INTRODUCTION

- 3.1 The Licensing Team covers a wide range of statutory licensing, registration and enforcement functions in the London Borough of Hammersmith & Fulham. These functions cover premises which sell and supply alcohol or provide regulated entertainment or late night refreshment; gambling premises, gaming machines and lotteries; sex establishments and sexual entertainment venues, film classification; marriage venues; non-medical poisons; and scrap metal dealers.

- 3.2 The Commercial Services Team, within the Environmental Health Service Group, are responsible for the licensing/registration of explosives/fireworks, massage and special treatment premises and therapists, and for all animal health/welfare related licensing functions within the division, namely: Riding Establishments, Animal Boarding Establishments, Pet Shops and Dangerous Wild Animals.
- 3.3 The Licensing Team work in partnership with others to promote the licensing objectives, improve public health and ensure that the Licensing Authority is fulfilling its functions efficiently.

4. REPORT

4.1 Staffing

The Licensing Team structure consists of a Bi-Borough Licensing Team Manager and Bi-Borough Licensing Administration Manager – three Licensing Officers, one Licensing Compliance Officer and two Licensing Compliance Assistants. One Licensing Officer, the Licensing Compliance Officer and the two Compliance Assistants are jointly responsible for the checking and processing of all licensing applications, invoicing and collection of annual fees, general enquiries, dealing with opposed applications and associated administration tasks, whilst two Licensing Officers are responsible for presenting the cases at Committee, dealing with pre- application advice, licensing enforcement and supporting businesses to achieve compliance.

In addition, the Royal Borough of Kensington and Chelsea's Policy and Projects Officer assists with the checking of licences prior to issue on a part time basis.

4.2 Team performance, work activity and key achievements in 2015/16

4.2.1 Licensing Act 2003

The Authority has a statutory duty to carry out its function with a view to promoting the four licensing objectives. These are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

The work of the Licensing Team involves policy implementation, processing, inspection, enforcement, preparing reports for licensing sub-committee and service improvement.

At 1 April 2017, the authority had 850 licensed premises and had granted 3050 authorisations for personal licence holders under the Licensing Act 2003.

Tables 1 - 7 below illustrate the Licensing Authority's performance during 2016/17. Data from 2015/16 has been included for comparison purposes.

Applications

| Table 1: Licence/authorisation type | No. of applications received | |
|---|------------------------------|---------|
| | 2015/16 | 2016/17 |
| New premises licences applications | 56 | 51 |
| New personal licences applications | 222 | 238 |
| Premises licence Full variation applications | 32 | 33 |
| Premises licence Minor variation applications | 30 | 25 |
| Designated premises supervisor (DPS) variations applications | 226 | 192 |
| Transfers of premises licences applications | 80 | 51 |
| Temporary event notices (TENs) / Late Temporary event notices | 495 | 518 |

The data in Table 1 shows that there has been a decrease of approximately 9% in the number of new premises licence applications and an increase of approximately 7.2% in the number of new personal licences.

There has been a further increase of approximately 4.6% in the number of temporary event notices, and of the 518 notices received in 2016/17, 135 (approximately 26%) were submitted under the late temporary event notice provisions.

Sub Committee Hearings

In 2016/17 a total of 10 licensing sub-committee sittings took place for new, variation and review applications, in comparison to 11 in 2015/16. A breakdown is provided below:

Where a representation is made following an application for a **new licence**, or a **full variation** of a premises licence a sub-committee is arranged.

Table 2 below illustrates the total number of sub committees for new and variation applications:

| Table 2: Total number of Licensing Sub Committee hearings | New Premises Licence | Variation of a Premises Licence | TOTAL |
|---|----------------------|---------------------------------|-------|
| 2015/16 | 6 | 4 | 10 |
| 2016/17 | 4 | 5 | 9 |

A summary of the decisions made by the sub-committee can be seen in Table 3 below:

| Table 3: Licensing Sub Committee outcomes | New Premises Licence | | | | Variation of a Premises Licence | | | |
|---|----------------------|----------------|---------|-------|---------------------------------|----------------|---------|-------|
| | Granted/Agreed | Agreed in part | Refused | Total | Granted/Agreed | Agreed in part | Refused | Total |
| 2015/16 | 0 | 6 | 0 | 6 | 0 | 3 | 1 | 4 |
| 2016/17 | 0 | 3 | 1 | 4 | 2 | 2 | 1 | 5 |

Similarly, where the service receives a valid application for a **review** of a licence a licensing review committee hearing is arranged.

| Table 4: Licensing Review Applications and outcomes | Total | No Action | Modify Conditions | Remove DPS | Exclude Licensable Activity | Licence Suspended | Licence Revoked |
|--|--------------|------------------|--------------------------|-------------------|------------------------------------|--------------------------|------------------------|
| 2015/16 | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| 2016/17 | 1* | 0 | 1 | 0 | 0 | 0 | 0 |

*The review application in 2016/17 was called by the Police towards the end of 2015/16 but dealt with by the Licensing Committee in 2016/17.

Table 4 above illustrates that the targeted work of the Police and the Council's Licensing Officers continues to influence good management in licensed premises resulting in only one licence review application in both of the last two years.

There was 1 additional sub-committee hearing in 2016/17 in relation to a personal licence application. At the conclusion of this hearing the Licensing Committee refused the application.

A full report on all applications that went to Sub-Committee has been produced by Committee Services and can be seen at Appendix 1.

Pre-application advice

Since 2015 the Licensing Team has offered a pre-application advice service for small, medium, large licence applications and extra-large events. Table 5 below illustrates the type of pre-application advice Licensing Officers have given.

| TABLE 5: Licensing Pre Application Advice | Small | Medium | Large | Extra Large Events |
|--|--------------|---------------|--------------|---------------------------|
| 2015/16 | 4 | 0 | 0 | 0 |
| 2016/17 | 1 | 1 | 0 | 0 |

Appeals

Appeals against the decision of the Licensing Sub-Committee can be brought by a number of parties involved in the application and licensing process e.g. the applicant, responsible authorities and other persons who have objected, or a licence holder in the case of reviews. This area of work can take up a considerable amount of time and it is therefore important that the service monitors this area of work in light of the decisions made and the facts of each case. There were no appeals lodged against decisions of the Licensing Committee in the last year.

4.2.2 Inspection and Enforcement

| Table 6: Inspection and Enforcement | Total Number | |
|--|---------------------|----------------|
| | 2015/16 | 2016/17 |
| Number of visits to businesses | 243 | 280 |
| Number of complaints received / investigated | 116 | 118 |
| Number of commenced investigations | 67 | 43 |
| Number of prosecution cases sent to Legal Services | 2 | 2 |
| Number of S19 Closure Notices | 3 | 1 |
| Number of S161 Closure Orders | 0 | 0 |
| Number of simple cautions | 4 | 4 |

The reduction in 'commenced investigations' reflects a change in the way investigations are recorded on our 'Uniform' database.

Events Licensing

Officers have been involved in the planning and enforcement for a number of events in the borough this year, such as the Davis Cup, The AEGON Tennis Championship, the annual boat race, Chesterton's Polo in the Park, and a large number of smaller events held on the Borough's open spaces. This year has followed last year's trend with a number of open air pop up bars appearing in the Borough along with the Borough London's first 'urban beach' beach. All of these projects have required additional input from officers and, on occasions, pre-application advice has been offered. Additionally, regular liaison and inspections have also taken place at Chelsea, Fulham and Queens Park Rangers football stadiums along with during performance inspections at the Hammersmith Apollo.

Neverland, Wandsworth Bridge

The site was previously the car auction site alongside Wandsworth bridge. An application was made in April 2016 for a licence to allow the sale of alcohol and regulated entertainment. This application was withdrawn after representations were made from the Police and the Noise Nuisance Team. The Licensing Team and other departments worked with the applicants and advised them that an event could potentially take place without licensable activities. The site finally opened in early in 2017 without a premises licence. The site is currently operating as a bring your own alcohol venue and any music is of a background nature only. Inspections are ongoing to ensure that licensable activities are not being provided.

Scrubs Lane – Secret Cinema

A film screening was proposed to take place for Scrubs Lane for 4 weekends in the summer of 2017 with a capacity up to 4999 people. Over these weekends customers would watch a film on Scrubs Lane starting at 6pm and ending at 11:30pm. An interactive experience was proposed before the film started. Several meetings took place and agreements were finally reached with responsible authorities including the Licensing Authority. Unfortunately, the applicants withdrew the event in March 2017.

Chelsea Football Club – Victory parade

At the end of the year the Licensing Team worked with Chelsea Football Club to arrange a victory celebration on Eel Brook Common. This was later changed to an event in the stadium and then to a traditional victory parade. The event was cancelled at short notice due to security concerns given

the recent terrorist activity. Suggestions have been made by the Licensing Team including obtaining new licences for Chelsea football stadium and Eel Brook Common for future events.

4.2.3 Other Enforcement work

Simple Cautions

A total of 4 Simple Cautions were concluded in 2016/17, the results of which are summarised below:

Krystals (Superfoods), 807 Fulham Road

Following a complaint from a local resident that alcohol was being sold from the premises after hours, officers carried out a test purchase and alcohol was sold. The licence holder was advised of the sale and a warning issued. A further test purchase was undertaken to ensure the premises was in compliance, however alcohol was sold again past the permitted times. Officers interviewed the licence holder in relation to the offence. A further test purchase was organised and on this occasion alcohol was not sold. As a result, on this occasion a Simple Caution was offered and subsequently signed by the licence holder.

Riverside Market, Crisp Road, W6

Officers became aware that a Designated Premises Supervisor was not in situ at the premises. On inspection alcohol was on display and appeared to be for sale. A number of visits were undertaken by officers and advice given to the licence holder. However, alcohol remained on the display and was sold to officers on two occasions. The licence holder attended an interview under caution. The premises has now closed down and, due to the licence holder admitting the offences, a Simple Caution was offered and subsequently signed.

Mr Pereira – Designated Premises Supervisor, Mare Moto 562 King's Road

The Licensing Team received information from a local resident that the premises were operating past their permitted hours. Additionally, the residents stated that customers from Mare Moto were causing regular noise issues and were responsible for the high level of anti-social behaviour in the local area. An investigation was instigated and after a visit to the premises with the police licensing officer a substantial amount of CCTV was obtained. The CCTV showed numerous offences under the Licensing Act 2003. The CCTV showed Mr Pereira on the premises whilst a number of the offences were committed. Following an extensive investigation Mr Pereira signed a Simple Caution for the offences and surrendered his personal licence.

Mr Saraiva - Personal licence holder

Mr Saraiva contacted the Licensing Team and advised that he was recently sentenced for offences under the Offences Against the Person Act 1861 and the Criminal Justice Act 1988. Under the Licensing Act 2003 a personal licence holder must notify the court that he holds a personal licence prior to being sentenced, Mr Saraiva advised the licensing team that he forgot to tell the court he held a personal licence. Following an investigation and obtaining a police witness statement Mr Saraiva was offered a Simple Caution which he accepted and signed.

4.2.4 **Legal Cases**

3 legal files were concluded in 2016/17, which are summarised below:

Ross Inn Limited - Mare Moto, 562 King's Road

The Licensing Team received information from a local resident that the premises were operating past their permitted hours. Additionally, the resident stated that customers from Mare Moto were causing regular noise issues and were responsible for the high level of anti-social behaviour in the local area. An investigation was instigated and after a visit to the premises with the police licensing officer a substantial amount of CCTV was obtained. The CCTV showed numerous offences under the Licensing Act 2003 over several dates. Following an extensive investigation, the matter was referred to the legal team for prosecution. On the 15th February 2017 the defendants appeared in court and pleaded guilty to nine offences under the Licensing Act 2003. The court fined Ross Inn Limited £7,750 and a total of £4,387 was awarded in costs.

Today's Express, 86a Lillie Road, W14

Following a resident complaint that alcohol was being sold outside of the permitted hours, a test purchase was undertaken by officers, and alcohol was sold. Subsequently, licensing officers and police officers undertook a number of inspections at the premises and witnessed a number of breaches. Following an investigation, legal action was taken. On the 24 May 2016, the licence holder pleaded guilty to six offences under the Licensing Act 2003. The licence holder was fined £1004 and £1300 in costs.

Booty Food & Wine, Daling Road

A number of inspections took place at this premises following complaints of out of hours sales. Numerous breaches of conditions were observed including CCTV which could not be accessed and a personal licence holder who was not on duty. Further inspections which were undertaken showed repeated breaches of licence conditions.

At the Hammersmith Magistrates Court on 28th June 2016 the Defendant pleaded guilty to all 10 offences. The Defendant was given credit for his early guilty plea and was fined £660.00 in total for the 10 offences:

- 4 offences committed on 25th April 2015
- 4 offences committed on 6th July 2015; and
- 2 offences committed on 6th January 2016

The Defendant was ordered to contribute to the Prosecution's costs in the sum of £1,000.00. A £66 victim surcharge was imposed.

4.2.5 **Current/on-going investigations**

QPR, Loftus Road, South Africa Road

In the summer of 2016 officers witnessed alcohol being sold during the second half period of matches at a number of fixtures at QPR. Warning letters were issued for these breaches of the club's licence conditions. The licence holder was invited to the Town Hall for a PACE interview but when representatives of the club finally agreed to attend they refused to answer questions which were specific to the offences and instead focused on new measures which had been put in place. The interview questions were put to the licence holder via email but these questions have still not been responded to. A new licence has been granted at QPR and the previous licence has been

surrendered. This matter is still ongoing and is going to be passed over to our legal team for a decision as to any further legal action.

Pick and Save, 39 Goldhawk Road

This premises operates as an off licence and started selling alcohol via its website using their existing licence. After asking the licence holder to apply to amend their licence to include internet sales conditions this website was taken down.

German Doner Kebab, Fulham Broadway, SW6

Officers received reports that the premises was operating until the early hours of the morning. As a result, officers carried out test purchases at the premises. The premises failed two test purchases after being warned and given advice. The owner has been requested to attend two interviews under caution and has failed to attend. A third invitation to attend an interview will be sent. If the owner fails to turn up for the final interview the matter will be referred to the legal team. The premises was recently refused a licence by the licensing sub-committee.

Al Reef & Today's Express, 86 Lillie Road, SW6

Complaints were received from residents, police, noise and nuisance and the community safety team that the premises was generating noise, crime and anti-social behaviour in the area. As a result of the complaints and suspected offences under the Licensing Act 2003, officers requested CCTV from the premises. The CCTV appears to show offences under the Licensing Act 2003. An interview in writing is currently being prepared to send to the operator in relation to these offences.

Other work undertaken by the Licensing Team

Immigration work

A number of visits were made with HM Customs and Immigration Teams. These visits targeted off licences and small supermarkets in the Uxbridge Road and Goldhawk Road. Six premises were visited during the visits and one individual was found to be working illegally. One premises (Super and Save, 70 Uxbridge Road) was also alleged to have breached six conditions attached to their licence. The licence holder has been invited for a PACE interview as a result of this visit.

Enforcement procedures

A number of enforcement procedures have been created for the Licensing Team. Drafting the procedures allowed officers to review how actions are undertaken and ensures continuity across the service.

4.2.6 **Gambling Act 2005**

The Authority has a statutory duty to carry out functions with a view to promoting the licensing objectives. These are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The team issues premises licences for the following; bingo halls, betting shops, adult gaming centres, family entertainment centres, casino and horse racing/dog tracks.

Applications

Table 7 below details the types of gambling premises in the borough.

| Table 7: Types of gambling premises | Total | |
|-------------------------------------|-----------|-----------|
| | 2015/16 | 2016/17 |
| Adult Gaming Centres | 2 | 2 |
| Betting Shops/ Track Betting | 43 | 43 |
| Bingo | 3 | 3 |
| Total | 48 | 48 |

As can be seen the number of licensed gambling premises has remained static during the past 12 months.

The Gambling Act 2005 states that licensing authorities should aim to permit the use of a premises for gambling in so far as it thinks it is in accordance with the relevant codes of practice, guidance and reasonably consistent with the licensing objectives. As such the Council should look to grant a licence unless there is clear evidence that to do so would be detrimental to one or more of the Gambling Act's objectives.

An interested party or a responsible authority may apply to the council to review a premises licence where the operator has failed to meet one or more of the licensing objectives. The decision will be based on whether the request for the review:

- raises an issue relevant to any relevant code of practice, any relevant guidance issued by the Gambling Commission, the licensing objectives for the Gambling Act, or the Statement of Gambling Principles;
- is frivolous or vexatious;
- will cause the licensing authority to alter, revoke (withdraw) or suspend the licence; or
- raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.

There were no reviews of any Gambling Premises Licences in 2015/16.

4.3 Service Improvements

Data Integrity

In the past 12 months work has continued to review and improve the recording and management of application and licence data held on the department's licensing database (Uniform), including:-

Implementing a system, via Companies House, to monitor companies that hold a licence so the team is kept up to date and receive notification of change of registered name/address and/or administration/liquidation affecting the validity of the premises licence.

Implementing a system to record lottery returns for small lottery societies and reminders for societies to ensure that returns are submitted after each lottery draw.

Additional information obtained for all premises licences to ensure that the rateable value, fee band, and VOA reference number are correct. This has enabled application and annual fees to be charged at the correct rate.

A review of additional information held for premises licences to specify the main use of the premises, whether the primary use is the sale of alcohol, whether the premises are within a cumulative impact zone and whether the premises are subject to an early morning restriction order.

Implementing a system to ensure all licensing application fees are reconciled.

Implementation of reports to produce statistical data for statutory returns and management reports.

Involvement in the development of iApply, a national web platform which will connect to, and integrate with, the team's licensing database, enabling data to be passed directly from the online application form to the licensing database. Whilst this initiative is on-going we are also researching alternative options for online applications to ensure that the team and our customers benefit from the most suitable and cost effective product.

Work has continued to ensure that the way information is displayed to members of the public and licensees is clear and understandable, which includes:

- (i) A review of licensing webpages for all functions covered by the licensing team, ensuring that web pages are well structured and the content is up to date.
- (ii) Improvements to the licensing information displayed on public access.

The work is still ongoing and further improvements to the management of our electronic records will continue in 2017/18.

A full review has taken place of the actual costs associated with administering various licensing functions to calculate the associated application and licence fees (where we have the ability to set these fees) to ensure compliance with the EU Services Directive.

4.4 Policy Update

4.4.1 Statement of Licensing Policy

The Licensing Act 2003 ("The 2003 Act") requires every Council to have a 'Statement of Licensing Policy' ("SLP") which will include information stipulated within the Secretary of State's Statutory Guidance to Licensing Authorities in England and Wales, as amended from time to time.

The Council's SLP provides advice and guidance to the Licensing Authority when exercising its statutory functions as a Licensing Authority under the 2003 Act. The SLP is an essential tool to assist Responsible Authorities (mainly regulators) and the Licensing Committee during the decision making process to ensure that those decisions reached are sound and robust enough to withstand an appeal or judicial challenge. It also provides guidance to both applicants, objectors and professional advisers, and provides key information to the magistrates' courts hearing appeals against licensing decisions.

The 2003 Act also requires that the Council's SLP be reviewed via public consultation, formally adopted and published every five years. The review process of the SLP began in June 2015. The

current SLP was adopted in July 2012 and therefore any revised policy must be adopted and published by July 2017. The SLP was updated to reflect changes in licensing laws and the section 182 Guidance, before public consultation.

Following a 16 week consultation period, the draft SLP was updated in view of the consultation comments received and went before the Community Safety, Environment and Residents Services Policy and Accountability Committee on the 18 November 2015, where it was resolved that the Committee recommend that Council approve and adopt the revised Statement of Licensing Policy.

Further lengthy discussions took place regarding the draft Statement of Licensing Policy and on the 8 March 2016 it was placed before the Economic Regeneration, Housing and the Arts Policy and Accountability Committee. It was resolved that the Committee note the contents of the report.

Discussions continued regarding the content of the SLP and on the 17 May 2017 the revised Policy was adopted by Full Council. The new version of the Policy will come into effect on the 3 July 2017

A link to the current policy can be found here: [Statement of Licensing Policy](#). A copy of the new, amended Statement of Licensing Policy can be found here: <https://www.lbhf.gov.uk/business/licensing/licensing-policy>

4.4.2 Statement of Gambling Policy 2016

The Council's Statement of Gambling Policy was revised and came in to effect on 04 January 2016. The current Statement of Gambling Principles can be found on the licensing pages on the council's website. A link to the Statement of Gambling Principles can be found here: [Statement of Gambling Principles](#)

4.4.3 Shared management arrangements

The shared management roles have worked well, with the Head of Service, Licensing Manager and Licensing Admin Manager roles being shared across the licensing team for Hammersmith & Fulham and Kensington and Chelsea.

The two teams have been co-located at the Council Offices in Pembroke Road W8 since October 2014, which has benefitted both teams in terms of sharing good practice, improving service delivery and reducing overall operational costs.

The following benefits have also been realised from the shared management arrangements:

- reducing overall operational costs to residents;
- building in resilience to cater for future demand;
- making service improvements;
- maximising licensing income;
- operating best practice: and
- pooling professional technical expertise and competence.

4.5 Priorities for the next 12 months (in addition to current investigations and enforcement)

Many of the priorities that were identified last year still remain, as follows:

- Ongoing work to improve local pubwatch schemes.
- Continue to pursue the accreditation of Trading Standards Officers, so that they can issue Fixed Penalty Notices for the illegal sale of alcohol to underage children.

- Work with business intelligence to improve the crime report information that the team receive.
- Continue to make improvements to the licensing information displayed on Public Access.

5. LEGISLATION CHANGES

5.1 The Immigration Act 2016

- Personal & premises licences cannot be issued to those **disqualified** by their immigration status.
- Licences issued on or after 6 April 2017 will **lapse** if the holder's lawful leave or permission to work ends.
- The Home Office's Secretary of State will be added to the list of **responsible authorities**.
- Immigration Officers will have **powers to enter** premises to investigate whether immigration offences are being committed in connection with licensable activities.

From the 6 April 2017, licensing authorities have been required to check the eligibility to work for all those applying for personal licences and premises licensed for the sale of alcohol and late night refreshment.

The new provisions mean that licences must not be issued to disqualified persons, who are:

- Unlawfully present in the UK,
- Not permitted to work, or
- Permitted to work, but not in this licensable activity.

An application from a person disqualified on these grounds is **invalid** and must be **rejected**.

5.2 The House of Lords Select Committee on the Licensing Act 2003

This Select Committee was formed to examine the effects of the Licensing Act 2003 and how it has been working over the past 10 years. Written and oral evidence was taken over a period of about 6 months in 2016 and the Select Committee produced its recommendations in April 2017. Full details can be found at:

<https://www.parliament.uk/business/committees/committees-a-z/lords-select/licensing-act-2003/news-parliament-2015/licensing-act-report-published/>

The main recommendations of the Select Committee are as follows;

- The Government made a substantial error in creating new committees for local authorities to deal with licensing. The evidence received about the poor operation of licensing committees was convincing and the committee was extremely concerned by what it heard.
- Planning committees are more effective and reliable, and are well-equipped for making licensing decisions. They should take over the licensing function. Coordination between the licensing and planning systems should begin immediately.
- Licensing appeals should no longer go to magistrates' courts but should, like planning appeals, go to the planning inspectorate.

- The Late Night Levy does not pay for the cost of policing as intended, and in its current form is fundamentally wrong in principle and in practice. Unless amendments already made prove effective, the Late Night Levy should be repealed. So should Early Morning Restriction Orders, which no local authority has yet introduced.
- Fees for licensing should be set locally, not nationally. In doing so, local authorities must bear in mind that there are doubts about the legality of any element of a fee which goes beyond what is needed to process the application.
- There is no justification for the Licensing Act not applying to sales airside at airports.
- The legality of Minimum Unit Pricing is still under consideration by the Supreme Court. If it is found to be lawful and is introduced in Scotland, and is found to be effective in cutting down excessive drinking, England and Wales should follow Scotland's lead.
- Scotland's example should also be followed in helping disabled people to access licensed premises by requiring an application for a premises licence to include a disabled access statement.
- Licensing Authorities should publicise the reasons which have led them to settle an appeal and should hesitate to compromise if they are effectively reversing an earlier decision which residents and others intervening may have thought they could rely on.
- That the Home Office discuss with the Local Government Association, licensing solicitors and other stakeholders, the length and form of the minimum training a councillor should receive before being allowed to sit as a member of a sub-committee, and the length and form and frequency of refresher training.
- The section 182 Guidance should indicate the degree of formality required, the structure of hearings, and the order in which the parties should normally appear. It should make clear that parties must be allowed sufficient time to make their representations.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 6.1 There are approximately 900 licensed premises (including premises licensed under the Gambling Act 2005) and LBHF has granted 3050 authorisations for personal licence holders under Licensing Act 2003 since 2005.
- 6.2 The amount of licensing debt outstanding decreased during 2016-17 as opposed to last year there was an increase due to the delay in recovery caused by the implementation of the new financial systems. This meant that a decreased provision for bad debt was required.
- 6.3 Implications verified by Tai' Oyinlola- Finance Manager (Environment), 020 8753 2224.

7. COMMENTS OF THE DIRECTOR OF LAW

- 7.1 The legal implications are contained within the body of this report.
- 7.2 Implications verified by Heidi Titcombe – Principal Solicitor (Planning, Highways and Licensing), 020 7361 2617

8. IMPLICATIONS FOR BUSINESS

- 8.1 Businesses wishing to sell alcohol or provide facilities for entertainment, late night refreshment or gambling are required by law to be licensed. Under the Licensing Act 2003 application fees and annual fees are set by the Secretary of State. These fees have remained at the same level as when the Act came into force in 2005. Under the Gambling Act 2005 application fees and annual

fees are set by the Council on a cost recovery basis, subject to a maximum fee depending on the type of premises and type of application.

- 8.2 Operating without a licence, or in breach of licence conditions, is a criminal offence and substantial fines (or even imprisonment) can be levied by the court on conviction. If licence breaches are identified a graduated response is taken to try to achieve compliance without resorting to prosecution, in accordance with the Environmental Health Service Group Enforcement Policy; https://www.lbhf.gov.uk/sites/default/files/section_attachments/2016_lbhf_environmental_services_enforcement_policy_0.pdf

9. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 9.1 This is not applicable in this case.

10. CONCLUSION

- 10.1 Officers will continue to work in partnership with all statutory agencies to develop new procedures and enforcement policies to facilitate the effective operation of new and existing legislation and to promote the selling of alcohol responsibly.

List of Appendices

| Appendix Number | Description |
|------------------------|--|
| Appendix 1 | Applications heard at Sub Committee in 2016/17 |